

IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA

Richmond Division

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 3:03CR16
)	
EDMUND A. MATRICARDI, III,)	
)	
Defendant.)	

STATEMENT OF FACTS

1. The defendant, EDMUND A. MATRICARDI, III, was the Executive Director of the Republican Party of Virginia (RPV), whose offices were located at 115 East Grace Street, Richmond, Virginia.

2. On or about June 6, 2001, 46 Democratic complainants filed a lawsuit in the Circuit Court City of Salem, challenging a plan enacted by the Republican-controlled Virginia General Assembly that created new electoral districts for the General Assembly. On or about March 11, 2002, Salem Circuit Judge Richard Pattisall found in favor of the plaintiffs, and enjoined all elections pending the enactment, and signing by the Governor, of a new redistricting plan. A dispute ensued about whether the Commonwealth of Virginia would appeal the decision.

3. After the March 11 redistricting decision, MATRICARDI sent Jane Doe, a person associated with the Democratic Party, at least two e-mail messages setting forth RPV's position regarding the redistricting decision. Jane Doe shared one of the messages with John Doe, a former campaign manager for a Democratic delegate, and a member of the State Central Committee of the Democratic Party of Virginia.

4. To help formulate the Democratic legal and political strategy regarding the redistricting

issue, on Wednesday, March 20, 2002, the Executive Director of the Democratic Party sent an announcement by e-mail and fax to “Democratic General Assembly Members” about an in-person Joint Democratic Caucus meeting at 4:00 p.m. on Friday, March 22, 2002. The announcement stated that:

[t]he meeting will specifically discuss our legal options, the timeline, and the procedure for drawing new maps. Our meeting will include a briefing by the Caucus attorneys. ***Due to the sensitive nature of the meeting, and attorney-client privilege, only General Assembly members should attend or participate.*** (Emphasis in original.)

MATRICARDI did not receive this announcement.

5. By the afternoon of Thursday, March 21, the Executive Director of the Democratic Party and others had decided that there would be a “Joint Democratic Conference Call,” using an interstate conference calling service in Texas, rather than an in-person meeting. Therefore, at 4:32 p.m. the Executive Director sent out another announcement by e-mail and fax to “Democratic General Assembly Members.” It listed the dial-in telephone number and the Participation Code, which allowed access to the conference call. The announcement also contained the following warning:

Due to the sensitive nature of the meeting, and attorney-client privilege, only General Assembly members should attend or participate. There will be a roll call taken at the beginning of the call. If you join after the conference has started, please state your name so we will know that you have joined. (Emphasis in original.)

It also described the agenda as including, “Legal Lay-of-the-land . . . Political Lay of the land . . . [and] . . . Summary of the decisions/Where do we go from here?” The Executive Director sent out an identical “reminder” e-mail the next day, March 22, at 10:02 a.m. MATRICARDI did not receive these announcements.

6. One of the recipients of the e-mails regarding the in-person meeting and then the conference call to discuss the redistricting suit was John Doe, who was receiving e-mails from the DPV on behalf of the Democratic delegate whose campaign he had managed.

7. On or about Friday, March 22, 2002, John Doe called Jane Doe and provided to her the telephone number and access code for the Democratic conference call. Jane Doe then telephonically provided the number and code to MATRICARDI.

Interception

8. On or about the afternoon of March 22, 2002, in Richmond, Virginia, in the Eastern District of Virginia, and elsewhere, the defendant, EDMUND A. MATRICARDI, III, did knowingly, intentionally, and unlawfully intercept and endeavor to intercept a wire communication, in that, using his telephone at RPV Headquarters in Richmond, Virginia, he used the access code and called in to an interstate conference call of the members of the Joint Democratic Caucus, and, without disclosing that he was on the line, secretly listened for approximately two and one-half hours and recorded the call on a tape recorder.

(In violation of Title 18, United States Code, Section 2511(1)(a).)

Respectfully submitted,

PAUL J. McNULTY
UNITED STATES ATTORNEY

By: _____
David T. Maguire
Assistant United States Attorney

Stephen W. Miller
Managing Assistant United States Attorney

After consulting with my attorney and pursuant to the plea agreement entered into this day between the defendant, and the United States, I hereby stipulate that the above Statement of Facts is true and accurate, and that had the matter proceeded to trial, the United States would have proved the same beyond a reasonable doubt.

EDMUND A. MATRICARDI, III

I am EDMUND A. MATRICARDI, III's attorney. I have carefully reviewed the above Statement of Facts with him. To my knowledge, his decision to stipulate to these facts is an informed and voluntary one.

Steven D. Benjamin, Esq.
Attorney for EDMUND A. MATRICARDI, III